

REMARKS / ARGUMENT

Reconsideration and further examination is respectfully requested.

Claim rejections from the first Office Action dated December 19, 2004 based on US Patents by Lloyd, Bell, and Tritsch are now withdrawn by the Examiner in view of the new rejections.

Claims 1-7 are rejected under 35U.S.C. 102(b) as being anticipated by Steer (US Pat. No. 4,890,608). Examiner states that Steer discloses a disposable medical article having a backing 10 with a bottom surface and a plurality of single-use first skin-compatible adhesive layers 32 disposed onto said bottom surface. In fact, close examination of Steers patent reveals that the plurality of adhesive layers 32 are located ON THE OTHER SIDE of the backing 10. The concept behind Steers invention is to attach a disposable pad 10 equipped with a single skin-compatible adhesive layer on the bottom and multiple peel-away layers of adhesive on the top such that a medical article such as wound dressing can be attached to the top of the pad 10, the top being defined as a side facing away from the skin. This design allows for an easy change of the wound dressing and alike medical article on a daily basis without removing the pad from the skin by means of peeling away the old top layer of adhesive and exposing a fresh wound dressing to the fresh top layer of adhesive. Therefore, the Steers patent teaches the reverse of the Applicant's invention by disclosing the multiple layers of adhesive on the side of the pad facing away from the patient's skin.

A second distinction between the Steers and Applicant's inventions is that there is no teaching in Steers that the multiple layers of adhesive have to be skin-compatible medical grade. Instead, only the single bottom layer is disclosed to be a medical grade skin-compatible adhesive. Applicant's invention explicitly requires all layers of adhesive to be of skin-compatible medical grade.

Thirdly, as admitted by the Examiner, there is no description in Steers of using adhesives of progressively increasing peel strength. Examiner considers this concept to be disclosed indirectly as peeling one layer of adhesive should ensure that the others stay in place. In fact, the design solution disclosed in Steers to provide for other layers to stay in place is the use of tabs. Steers describes in detail how to peel one layer off using a corresponding tab while retaining other layers in place. This arrangement does not necessarily require progressively increasing strength of the adhesive layers as the selection of the correct layer to be peeled off is done using tabs. Also, an indirect indication that it would be preferable to have all adhesive layers to be of the same strength is in the intended use of the Steers invention. Daily changing of the wound dressing is done easier when the same peel strength is encountered by the user as long as it is adequately retaining the medical article in place.

Finally, in order to clarify the skin-compatible feature of the adhesive, the first claim is revised to include language to that effect: "A disposable medical article having a direct contact skin-compatible adhesive comprising..."

Applicant has made a diligent effort to place the claims in condition for allowance or in better form for appeal. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Boris Leschinsky, Applicants' Agent at 973-244-6190 so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, Applicant respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

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Date

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